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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3612

Michael J. Duffy

Examiner: Hilary L. Gutman

Serial No.: 10/774,546

Filed: February 9, 2004

For: GUTTER MOUNTED DECK LID HINGE

Attorney Docket No.: TPL 0139 PUS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Restriction Requirement of February 14, 2005. Applicant traverses the requirement as argued below, but provisionally elects to prosecute Group I comprising Claims 1-7 and 15-17, drawn to a vehicle closure hinge, for completeness of the response.

The Examiner argued that inventions I and II are related as product and process of using the product. The Examiner argued that they may be considered distinct by showing either that the process can be practiced with a materially different product or the product can be used in a materially different process. However, both the product and the process relate to the packaging of a vehicle hinge in a vehicle body. This packaging addresses the structural features of a link assembly, a laterally coiled spring and shaping considerations of the spring. Likewise, the process for reducing the packaging footprint of a vehicle closure hinge integrates a link assembly and a laterally coiled strand spring where the strand is shaped to reduce radial

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March 14, 2005
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Ronald M. Nabozny
Name of Person Signing

Ronald M. Nabozny
Signature

dimension of the coil. The packaging process and structure are materially related, as to practice the claimed process is materially related to the structures, and use of the claimed structure performs a materially related process.

Moreover, in contrast to the Examiner's position that these inventions have acquired separate status in the art, both inventions I and II classified in class 296, subclass 76. Accordingly, no material differences are identified by the acquired status in the art. Moreover, as required in MPEP § 803, the Examiner must examine the case on the merits if the search and examination of an entire application can be made without serious burden. Since the attempt to identify separate classes of invention involved no material difference between the inventions, or the areas to be searched, Applicant respectfully submits that no substantial burden is imposed upon by the Examiner. Searching the same art area covers claimed structural features with particular physical characteristics involved in both the apparatus and process of using the apparatus. Accordingly, the structure of a link assembly and a laterally coiled spring with particular coil strand characteristics and a method of integrating the link assembly with selected strand shaping for a laterally coiled spring do not represent material differences that render the inventions distinct or independent.

Prompt reconsideration and withdrawal of the restriction requirement is requested. Prompt examination is also requested, and the Examiner is invited to telephone the undersigned to address issues in a manner that may expedite examination.

Respectfully submitted,

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By: 

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